

XI. STATE OPERATED PROGRAMS

1. SEA PROVISION OF DIRECT SERVICES

The Missouri Department of Elementary and Secondary Education provides free appropriate public education services for students with disabilities through three State Board of Education Operated Programs: School for the Deaf, School for the Blind, and the State Schools for Severely Handicapped.

It is the policy of the Missouri Department of Elementary and Secondary Education that the requirements of Part B of the IDEA are implemented by the State Board of Education Operated Programs responsible for the education of students with disabilities. Each State Board Operated Program is required to submit a Compliance Plan that specifies the policies and procedures necessary to meet the requirements of IDEA.

The DESE ensures that each educational program for children with disabilities administered by the State Board of Education is under the general supervision of the Division of Special Education, Department of Elementary and Secondary Education, and that their programs meet the standards of the SEA.

The DESE ensures that funds provided under Part B to support SEA direct services are used in accordance with Regulation IX.5. of this State Plan, with the exception of those policies related to excess cost.

2. STATE SCHOOLS FOR SEVERELY HANDICAPPED

Regulations for Services

The State Schools for Severely Handicapped, a system of day school services in separate school settings, were established by state law to serve those students with severe disabilities referred to the State Board of Education by local school districts which do not operate such programs themselves and which are not a part of special school districts. If the evaluation information and the Individualized Education Program (IEP) compiled by the local district supports separate school placement as the student's least restrictive educational environment, the local education agency may seek determination of student eligibility for services. The following procedural information is provided to assist school districts in accessing services from the State Schools for Severely Handicapped.

A. Eligibility for State Schools for Severely Handicapped

- 1) Students with severe disabilities are those students who generally have significant cognitive deficits as evidenced by one of the two methods described below:

The student obtains scores falling four or more standard deviations below the mean on standardized measures of cognitive functioning and shows commensurate deficits in at least two areas of adaptive functioning.

OR

The student is not able to respond to any standardized measure of cognitive ability due to a combination of sensory and/or motor impairments, but diagnostic information indicates significant deficits in intellectual and adaptive behavior skills, and the student requires pervasive level of supports across all life areas, as defined by the American Association for Mental Retardation (AAMR) classification system.

This identification shall result from comprehensive evaluation that is consistent with the procedures in Regulation III.3., Procedures for Evaluation and Determination of Eligibility.

- 2) The presence of significant cognitive deficits may permeate a student's educational condition so as to render him/her severely disabled. A student with severe or multiple disabilities would evidence the presence of significant cognitive deficits along with one or more of the other educationally disabling conditions.

Students who educationally benefit from special education and related services that can be provided by local educational agencies are not considered eligible for services through the State Schools for Severely Handicapped. In general, students with disabilities such as cognitive deficits falling two to three standard deviations below the mean, Speech or Language Impairments, Hearing Impaired/Deaf, Visually Impaired/Blind, Learning Disabilities, Emotional Disturbance, Other Health Impaired, Traumatic Brain Injury, or Orthopedically Impaired can receive an appropriate education when served by local educational agencies.

A student with a severe disability may enroll in the State Schools for Severely Handicapped upon attaining the age of five (5) years. Extended School Year services shall be provided to students who attain age five (5) years during the summer, if eligible for such services.

B. Referral Procedures

In order to assure compliance with applicable state and federal laws and regulations governing identification, evaluation, IEP development, and educational placement procedures for students who may be enrolled in the State Schools for Severely Handicapped, the following procedures have been adopted

by the State Board of Education. The local school district is encouraged to request a professional employee of State Schools for Severely Handicapped to participate in this process. Such requests for participation shall be honored when made during the school term and when schedules permit.

- 1) All students identified as potentially in need of special education services shall be enrolled in and served by the local school district pending the determination of such need. This includes students whose performance indicates possible functioning within the range of severe to profound Mental Retardation.
- 2) The local school district in which the student resides shall complete a comprehensive evaluation which is current within three (3) years. Additional evaluations may be required as determined necessary for individual students. The evaluation information must be obtained in accordance with Regulation III.3., Procedures for Evaluation and Determination of Eligibility. Additional educational records or other pertinent information may be required by the State Schools for Severely Handicapped to clarify the student's educational needs.
- 3) Following compilation of evaluation information, the local district where the student resides is responsible for formulation of an IEP for the current school term in accordance with the requirements of Regulation IV.2., Individualized Education Programs. The district must consider all service options, including service through a separate school placement, to determine which is appropriate to meet the student's educational needs.
- 4) If the IEP committee is considering separate school as a placement option for the student, they must document the justification for such placement in writing. This documentation must include that the district has:
 - a) considered educating the child in the LEA;
 - b) identified supplementary aids and services that would be needed to educate the child in the LEA; and,
 - c) articulated why the LEA cannot serve the child in the LEA in a placement that would benefit the child.
- 5) When the IEP indicates the student is in need of services which the local district is unable to provide and which may be provided by the State Schools for Severely Handicapped, the local school district may forward the evaluation report, current IEP, and justification for separate school placement to the State Schools for Severely Handicapped for eligibility review. The preceding IEPs, if applicable, and related educational records and other pertinent information for all services provided by the local district shall also be forwarded. Additional information may be requested on an individual student basis. Following a professional review of this information, the district shall be notified whether or not the student is eligible for services through the State Schools for Severely Handicapped. Such notice shall specify the

placement site should the student be referred. The State Schools for Severely Handicapped decision on such eligibility is not appealable.

- 6) Should the district be notified that the student is eligible for the State Schools for Severely Handicapped, the district may refer the student. Notice of such decision to refer shall be given to the parents by the school district in accordance with the law including an explanation of their right to appeal the action to the local board of education. The district shall submit the Referral only after the parents have been offered all rights available to them in relation to Regulation V, Procedural Safeguards. If the IEP at time of request does not reflect a total of 1800 minutes of service per week, the district must reconvene the IEP team before submitting the referral so as to ensure an IEP team decision on actual minutes needed to provide FAPE.
- 7) Upon receipt of the Referral, enrollment papers will be mailed to the parent by the State Schools for Severely Handicapped.
- 8) Within thirty (30) days following initial enrollment of the student in the State Schools for Severely Handicapped, an IEP/placement review conference shall be held. The purpose of this review is to confirm the appropriateness of continued placement in the State Schools for Severely Handicapped as the least restrictive environment to provide a free appropriate public education for the student. The student's teacher, other appropriate professional personnel from the school, a representative of the referring district, and the student's parent shall be invited to participate in this review. The parents shall be informed of their right to appeal, in accordance with the procedures provided in Regulation V, Procedural Safeguards, any change in placement decision made as a result of this review.

When a clear decision cannot be made for eligibility for services through the State Schools for Severely Handicapped, the district will be notified that an interim IEP will be required for the initial placement. This IEP shall be developed in accordance with the provisions of Regulation IV.2., Individualized Education Programs. The interim IEP may be extended beyond thirty (30) days if circumstances warrant.

- 9) IEP teams will be convened annually or more frequently, if needed, to review and/or rewrite, if appropriate, the IEPs for all students enrolled in the State Schools for Severely Handicapped. These conferences will be conducted in accordance with provisions of Regulation IV.2., Individualized Education Programs, and Regulation IV.3., Least Restrictive Environment.
- 10) At any time the IEP team may determine, based on general functioning level and progress shown, that the student's least restrictive environment for educational placement is the local district. In such instances, the IEP team reviews the IEP, existing data, and education record to determine the plan through which the student will be transitioned to the local school district for services.

C. Reevaluation

- 1) At least once every three (3) years, the local district shall conduct a reevaluation. Reevaluation shall be conducted in accordance with Regulation III.3., Procedures for Evaluation and Determination of Eligibility.
- 2) Results of the reevaluation shall be submitted to the State Schools for Severely Handicapped for review. Additional data may be requested by the State Schools for Severely Handicapped to clarify the student's educational needs.

D. Transfer of Students

1) Transfer within the State Schools for Severely Handicapped System

A student who is enrolled in a State School for Severely Handicapped and moves from one school district to another may transfer enrollment immediately on the basis of the justification for separate school placement, current IEP and evaluation report. This is considered an interim placement, not to exceed thirty (30) days, during which the new local district follows the transfer procedures provided within Regulation III.3., Procedures for Evaluation and Determination of Eligibility, to confirm concurrence with placement in the State Schools for Severely Handicapped as the least restrictive educational environment for the student. If this review results in determination that the State Schools for Severely Handicapped is the least restrictive environment, the district will compile and submit to the State Schools the Agreement for Continued Placement under the existing IEP.

2) Transfer of Students with Severe Disabilities from a Missouri School District, a Special School District, or an Out-of-State Program

A thirty (30) day interim placement in the State Schools for Severely Handicapped may be available for students with severe disabilities who are changing school districts due to a change in residence. These students must have been receiving services in their local district; through cooperative arrangement by their home district with another school district; in a special school district; or in an out-of-state program for students with severe disabilities.

To qualify for this interim placement, the following criteria must be met:

- a) The current IEP and evaluation report are adopted by the new school district pursuant to transfer procedures provided within Regulation IV.3., Least Restrictive Environment.
- b) The new district submits a copy of the student's current IEP and evaluation report to the State Schools for Severely Handicapped with a

letter acknowledging adoption of the documents. In addition, the district requests that the student be served in a thirty (30) day interim placement while district staff and parents consider the least restrictive educational environment for the youngster.

- c) The State Schools for Severely Handicapped will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request.
- d) Enrollment paperwork must be completed at the onset of the thirty (30) day interim placement period.
- e) During the thirty (30) day interim placement, the local district shall follow the referral procedures to seek eligibility determination in accordance with B 1-6 above.
- f) Upon receipt of the Referral, the State Schools for Severely Handicapped will issue a notice of action to the district and parents confirming continued placement in the State School.

If the State Schools for Severely Handicapped is not confirmed as the student's least restrictive educational environment, the local district is notified of this decision and becomes responsible for providing the required special education and related services in accordance with Regulation V, Procedural Safeguards, and Regulation IV.2., Individualized Education Programs.

3. MISSOURI SCHOOL FOR THE BLIND AND MISSOURI SCHOOL FOR THE DEAF

The Missouri School for the Blind (MSB) and Missouri School for the Deaf (MSD) are established by state law to serve those students referred to the State Board of Education by local school districts who may require such services to receive a free appropriate public education. If the evaluation information and the Individualized Education Program (IEP) compiled by the local district supports separate school placement as the student's least restrictive educational environment, the local education agency may seek determination of student eligibility services. The following procedural information is supplied to assist school districts in accessing services from the Missouri School for the Deaf and Missouri School for the Blind.

A. Eligibility for MSB and MSD

- 1) MSB: Students who are Blind or Visually Impaired, for purposes of MSB eligibility, are those students who meet the state eligibility criteria for Visual Impairment. Students, who meet the state eligibility category criteria for State Schools for Severely Handicapped (SSSH), are not eligible for MSB.
- 2) MSD: Students who are Deaf or Hearing Impaired, for purposes of MSD eligibility, are those students who meet the state eligibility criteria for Deaf/Hearing Impaired. Students, who meet the state eligibility criteria for SSSH, are not eligible for MSD.
- 3) A student may enroll in MSB and MSD upon attaining the age of five (5) years. Extended School Year services shall be provided to students who attain age five (5) years during the summer, if eligible for such services.

B. Referral Procedures

In order to assure compliance with applicable state and federal laws and regulations governing identification, evaluation, IEP development, and educational placement procedures for students who may be enrolled in either the Missouri School for the Deaf or Missouri School for the Blind program, the following procedures have been adopted by the State Board of Education. The local school district is encouraged to request a professional employee of MSB or MSD to participate in this process. Such requests for participation shall be honored when made during the school term and when schedules permit.

- 1) All students identified as potentially in need of services from the State Board operated programs shall be enrolled in local school district programming pending the determination of such need.
- 2) The local school district in which the student resides shall complete a comprehensive and appropriate evaluation information, current within three (3) years. Additional evaluations may be required as determined necessary for individual students. The evaluation information must be obtained in accordance with state regulations (Procedures for Evaluation and Determination of Eligibility). Additional educational records or other pertinent information may be required by MSB or MSD to clarify the student's educational needs.
- 3) Following compilation of evaluation information, the local school district where the student resides is responsible for development of an IEP for the current school term in accordance with the requirements of state regulation provisions for Individualized Education Programs. The district must consider all service options, including service through a separate school placement, to determine which is appropriate to meet the student's educational needs.
- 4) If the IEP team is considering separate school as a placement option for the student, they must document the justification for such placement in writing. This documentation must include that the district has:
 - a) considered educating the child in the LEA;
 - b) identified supplementary aids and services that would be needed to educate the child in the LEA; and,
 - c) articulated why the LEA cannot serve the child in the LEA in a placement that would benefit the child.
- 5) When the IEP indicates the student is in need of services which the local district is unable to provide and which may be provided by the MSB or MSD, the local school district may forward the evaluation report current IEP, and justification for separate school placement to MSB or MSD for eligibility review. The preceding IEPs, if applicable, and related educational records and other pertinent information for all services provided by the local district shall also be forwarded. Additional information may be requested on an individual student basis. Following a professional review of this information, the district shall be notified whether or not the student is eligible for services through MSB or MSD. The eligibility determination is not appealable and is a unilateral determination made by MSB or MSD, respectively.
- 6) Should the district be notified that the student is eligible for MSB or

MSD the district may refer the student. Notice of such decision to refer shall be given to the parent in accordance with the law including an explanation of their right to appeal the action through use of their due process hearing rights. The district shall submit the Referral only after the parents have received an explanation of the Procedural Safeguards. If the IEP at time of request does not reflect a total of 1800 minutes of service per week, the district must reconvene the IEP team before submitting the referral so as to ensure an IEP team decision on actual minutes needed to provide FAPE.

- 7) Upon receipt of the Referral, enrollment papers will be mailed to the parent by MSB or MSD.
- 8) Within thirty (30) days following initial enrollment of the student in MSB or MSD, an IEP meeting shall be held. The purpose of this review is to confirm the eligibility and appropriateness of continued enrollment in MSB or MSD as the least restrictive environment to provide a free appropriate public education for the student and to make necessary revisions in the student's IEP. The student's teacher, other appropriate professional personnel from the school, a representative of the referring district, and the student's parents shall be invited to participate in this review. The parents shall be informed of their right to appeal, in accordance with the Procedural Safeguards, any decision made as a result of this review, including any change in placement decision made as a result of this review. If the IEP team meeting results in a determination that the student is ineligible for services at MSB, the home district will be notified and will need to locate another entity to implement the IEP or revise the IEP if appropriate, pursuant to proper IEP process.

When a clear decision cannot be made for eligibility for services through MSB or MSD, the district will be notified that an interim IEP will be required for a trial basis placement. The interim trial basis for placement must be clearly reflected in the IEP.

- 9) IEP teams will be convened annually or more frequently, if needed, to review and/or rewrite, if appropriate, the IEPs for all students enrolled in MSB or MSD.
- 10) At any time the IEP team may determine, based on general functioning level and progress shown, that the student's least restrictive environment for educational placement is the local district. In such instances, the IEP team reviews the IEP, existing data, and education record to determine the plan through which the student will be transitioned to the local school district for services.

C. Reevaluation

- 1) At least once every three (3) years, the local district shall conduct a reevaluation. Reevaluation shall be conducted in accordance with the provision of the evaluation regulations.
- 2) Results of the reevaluation shall be submitted to MSB and MSD for review. Additional data may be requested by MSB or MSD to clarify the student's educational needs.

D. Subsequent Referral Procedures

The following procedures have been adopted by the State Board of Education for annual enrollment.

- 1) Missouri School for the Deaf or Missouri School for the Blind shall mail a copy of the Letter of Referral to the referring district on an annual basis.
- 2) Personnel from the referring district shall be invited to review the educational progress displayed by the student during the proceeding school term and participate in the development of the student's IEP.
- 3) If the referring district determines a continuing need for services from the Missouri School for the Deaf or Missouri School for the Blind, as documented in the student's IEP, the superintendent of the district shall amend any identifying information concerning the student or parent, as is necessary, sign the referral form, and submit the referral to the Missouri School for the Deaf or Missouri School for the Blind.
- 4) The determination of whether to accept the re-referral for the new school year is a unilateral decision to be made by Missouri School for the Deaf or Missouri School for the Blind and is not appealable. Upon rejection of the re-referral, a home district is responsible for provision of a free appropriate public education.
- 5) At least once every three (3) years, the local district shall submit a reevaluation of the student consistent with the evaluation criteria described above.
- 6) The Missouri School for the Deaf or Missouri School for the Blind shall mail a Letter of Notification to the Parent or Guardian and Local School District of every student enrolled in the previous year who is expected to return and who has been referred by the local school district.